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PETITION PURSUANT TO 37 CFR §1.47(b)

RE: Application No.: 09/960,714
Filing Date: September 21, 2001
In Re Application Of: Larry Routhenstein, Roy L. Anderson, William R. Bryant,
Jr. and Jacob Y. Wong
Art Unit: Not Assigned Yet
Examiner: Not Assigned Yet
Title: METHOD FOR GENERATING CUSTOMER SECURE CARD
NUMBER SUBJECT TO USE RESTRICTIONS BY AN
ELECTRONIC CARD

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

MAY 14 2002

Dear Sir:

OFFICE OF PETITIONS

Pursuant to 37 CFR §1.47(b), petition is hereby made on behalf of PrivaSys, Inc. to accept the filing of the above-identified application without the signed declaration of one of the inventors, namely, William R. Bryant, Jr. This petition is necessary because Mr. Bryant has refused to sign a declaration for this application. More specifically, the undersigned spoke with Mr. Bryant on April 29, 2002 after calling a cell phone number obtained from Mr. Bryant's father. During the conversation, Mr. Bryant stated that he refused to sign the declaration and that he would state no reason for his refusal to sign the declaration.

The present application is continuation-in-part application of previously filed patent applications that included Mr. Bryant as an inventor. More specifically, the lineage of this application is as follows:

"The present application is a continuation-in-part application of related to U.S. application Serial Nos. 09/667,081 and 09/667,089, filed 09/21/2000, which are continuation-in-part applications of U.S. Serial No. 09/659,434, filed 09/08/2000, which is a continuation-in-part of U.S. Serial No. 09/640,044, filed

08/15/2000, which is a continuation-in-part of U.S. Serial No. 09/619,859, filed 07/20/2000, which is a continuation-in-part of U.S. Serial No. 09/571,707, all of which disclosures are specifically incorporated herein by reference. The present application is also related to another application filed concurrently herewith entitled "Method for Generating Customer Secure Card Numbers," Attorney Docket No. JSF35.016."

Mr. Bryant was named as a joint inventor in this application solely based upon an overlap of claimed subject matter in the present application with subject matter included in the earlier filed patent applications of which this application is a continuation-in-part application.

In connection with the earlier filed applications, of which this application is a continuation-in-part application, Mr. Bryant executed multiple assignments to PrivaSys, Inc. Included within such assignments was the following obligation, which was previously made known to Mr. Bryant before his refusal today to sign a declaration for this application:

We hereby assign, sell and transfer our above-identified rights, title and interest in said Invention, said application(s) as identified above, including any divisions, continuations, and continuation-in-part thereof, and in and to any and all Letters Patent of the United States, and countries foreign thereto, which may be granted or have granted for said Invention, and in and to any and all reissues and reexaminations thereof, and in and to any and all priority rights, Convention rights, and other benefits accruing or to accrue to us with respect to the filing of applications for patents or securing of patents in the United States and countries foreign thereto, unto said Assignee;

And we further agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations-in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid Invention, as the Assignee or its Designee(s) may from time to time require and prepare at its own expense.

Because Mr. Bryant's activities as they relate to the present application stem from his work in the earlier filed patent applications identified above, which Mr. Bryant has previously assigned to PrivaSys, Mr. Bryant has already assigned any rights he has to the present invention to PrivaSys in previously filed assignments and such assignments obligated Mr. Bryant to sign a declaration in this application, when requested to so, which he has refused to do. Accordingly, this petition is necessary to preserve the rights of PrivaSys, Inc. and to prevent irreparable damage stemming from Mr. Bryant's unjustified refusal to sign a declaration in this application.

Mr. Bryant's father informed the undersigned that Mr. Bryant's present address is 6802 Bayard Rd., Fort Pierce, FL 34951. The addresses of the other named inventors are as follows: Larry Routhenstein, 5183 Wellington Park Circle, #C47, Orlando, FL 32839; Roy L. Anderson, 1334 Graynold Ave., Glendale, CA 91202; Jacob Y. Wong, 7110 Georgetown Rd., Goleta, CA 93117.

This petition is accompanied by a check in the amount of \$130.00 to cover the fee set forth in 37 CFR §1.17(i).

Respectfully submitted,
Jeffers, Shaff & Falk, LLP

Dated: April 29, 2002

18881 Von Karman Avenue, Suite 1400
Irvine, CA 92612

By: 

Roy L. Anderson
Reg. No. 30,240